BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

GREGORY A. LUNDQUIST Claimant)	
VS.	Ciaimani))) Docket	No. 180,412
IBP, INC.	Poopondont)	
AND	Respondent		
SELF-INSURED Insurance Carrier		}	

ORDER

ON the 8th day of February, 1994, the application of the claimant for review by the Workers Compensation Appeals Board of an Order entered by Administrative Law Judge Floyd V. Palmer on December 27, 1993, came on for oral argument by telephone conference. Because IBP, Inc. is a party to this appeal, Board Member Gary M. Korte has recused himself from participation. Jeffrey K. Cooper has been appointed Member Pro Tem for this particular case.

APPEARANCES

The claimant appeared by and through his attorney, Diane F. Barger of Emporia, Kansas. The respondent appeared by and through its attorney, Pamela L. Falk of Emporia, Kansas. There were no other appearances.

RECORD

The record considered by the Appeals Board for purposes of this review includes the transcript of preliminary hearing of December 17, 1993 and all exhibits and attachments thereto, along with all documents made part of the record in this case.

ISSUES

Claimant here appeals the decision by the Administrative Law Judge denying benefits sought in the preliminary hearing on the basis of a finding that the claimant did not suffer accidental injury arising out of and in the course of his employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board agrees with the finding by the Administrative Law Judge that claimant has failed to meet his burden to show that he suffered an accidental injury arising out of and in the course of his employment. Although the record in this case includes claimant's own testimony regarding an accidental electrocution in the course of his employment as well as the testimony of a co-worker who claims to have observed that electrocution, the record also contains contradictory evidence. The record includes medical records indicating the claimant does not suffer from any condition which would be related to the electrocution. On balance the Appeals Board finds that the record as a whole does not support plaintiff's claim and the Appeals Board affirms the denial of benefits.

AWARD

WHEREFORE, the Appeals Board hereby affirms the decision of the Administrative Law Judge entered December 27, 1993 denying benefits in this case.

IT IS SO ORDERED.		
Dated this day of March, 1994.		
BOARD MEMBER PRO TEM		
DOAND MEMBERT NO TEM		
BOARD MEMBER		
BOARD MEMBER		

cc: Diane F. Barger, P.O. Box 626, Emporia, Kansas 66801 Pamela L. Falk, P.O. Box 2204, Emporia, Kansas 66801 Floyd V. Palmer, Administrative Law Judge George Gomez, Director